

**PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT**

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**DATE:** February 13, 2003

**TO:** Orange County Zoning Administrator

**FROM:** Planning and Development Services Department/Current Planning Services Division

**SUBJECT:** Public Hearing on Planning Application PA02-0129 for Use Permit and Site Development Permit

**PROPOSAL:** The applicant requests approval of a Use Permit, as provided for under Zoning Code Section 7-9-137 "Accessory Uses and Structures", to allow construction of a detached accessory building (garage/workshop) in the rear building setback area that exceeds the standard height permitted by seven (7) feet. Included with this permit is a Site Development Permit to allow for grading in excess of 500 cubic yards (750 cubic yards of cut proposed) on a slope greater than 30 percent.

**LOCATION:** The project is located in the Orange Park Acres area, north of Meads Avenue at 10505 S. Morada Drive, Orange. Third Supervisorial District.

**APPLICANT:** Sonny Bryant, property owner

**STAFF** William V. Melton, Project Manager

**CONTACT:** Phone: (714) 834-2541 FAX: (714) 667-8344

**SYNOPSIS:** Current Planning Services Division recommends Zoning Administrator approval of PA02-0129 for Use Permit and Site Development Permit subject to the attached Findings and Conditions of Approval.

**BACKGROUND:**

The subject building site is roughly rectangular in area, measuring approximately 320 feet by 450 feet or 3.92 acres in size. The site has only 80 feet of frontage on S. Morada Drive. The site is currently development with a single-family dwelling with a two-car attached garage located approximately 500 feet from Morada Drive. Accessory structures and uses include a swimming pool, pool house, barn and corral area. The topography of the site is very steep, rising in elevation over 100 feet from an elevation 499 feet at the front to 606 feet to the far rear corner. The site is vegetated mostly in grasses with a few stands of trees.

The applicant proposes to construct a new detached 2,300 square feet garage with attached workshop area. The applicant wishes to construct a taller than standard garage to provide sufficient height for a large motor home. The proposed building is located 10 feet from rear property lines, 10 feet from the pool house and 10 feet from the dwelling. Between 8 feet and 25 feet from the rear property line, the Zoning Code permits maximum accessory building height of 12 feet. The proposed garage/workshop is 19 feet

high above finished grade when measured at the front of the garage. Retaining/structure walls at the south side and the west of the building are incorporated to lower the buildings finished floor. Grading for the structure to excavate the garage's finished floor and to construct a new access driveway to the garage will generate 750 cubic yards of cut and 450 cubic yards of fill. A Site Development Permit per Zoning Code Section 7-9-139 "Grading and Excavation" is required because the amount of grading exceeds 500 cubic yards on property with a slope greater than 30 percent. The slope of the subject site was calculated to be greater than 30 percent.

#### **SURROUNDING LAND USE:**

<b>Direction</b>	<b>Zoning</b>	<b>Existing Land Use</b>
Project Site	E4 "Small Estates" 1 acre lot	Single-family dwelling
North	E4 "Small Estates" 1 acre lot	Single-family dwelling
South	E4 "Small Estates" 1 acre lot	Single-family dwelling
East	E4 "Small Estates" 1 acre lot	Single-family dwelling
West	City of Orange	Homeowners association open space



**REFERRAL FOR COMMENT AND PUBLIC NOTICE:**

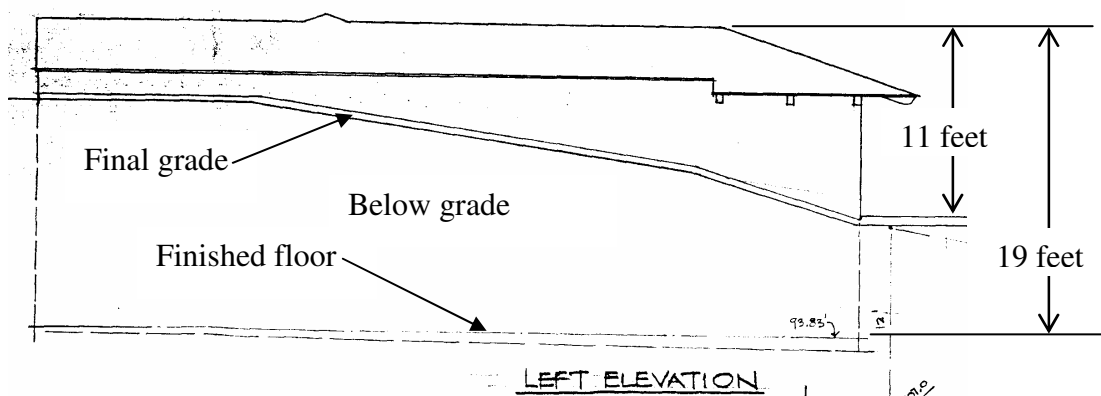
A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to fur County Divisions and the Orange Park Acres Association. As of the writing of this staff report, no comments raising substantial issues with the project have been received from other County divisions. The Orange Park Acres Association did not submit comments.

**CEQA COMPLIANCE:**

The proposed project is Categorically Exempt (Class 3, construction of limited numbers of new small structures or facilities) from the requirements of CEQA. Appendix A contains the required CEQA Finding.

**DISCUSSION/ANALYSIS:**

The applicant has a large parcel of land. However, because of the steep topography of the site, there is limited area available to construct accessory structures. The existing residential development area is located in the far southern corner of the property, which is the highest point. The applicant could locate the proposed structure most anywhere on the site and construct a much taller structure. According to the applicant, the site for the garage was chosen because it would have fewer impacts on surrounding properties. The drawing below shows an elevation of the garage as viewed from the property to the south. The property to the south is the most affected by this proposal. As can be seen, at its maximum, only 11 feet of the garage is above grade and visible to the adjoining property. Normally a structure less than 12 feet in height at the proposed location would be permitted outright. However, the total structure height is 19 feet and approval of a use permit is required to construct the garage.



Since a 12 foot high structure is permitted in this area of the building setbacks, the visual impact of this garage is less than would be permitted outright by the zoning code. It should be noted that the maneuvering area or back-up area in front of the garage does not conform the applicable Zoning Code off-street parking requirements. The proposed garage is in addition to an existing two-car garage that does

conform to the Zoning Code maneuvering area requirements. The Subdivision and Grading Services Division/Traffic Review Section reviewed the proposal and noted that a property providing off-street parking in conformance with the Zoning Code, is not required to apply the same off-street parking standards to accessory parking facilities, such as proposed by the applicant.

The Site Development Permit is required to allow grading on a site with 30 percent or greater slope. The proposal calls for the excavation of material so to lower the finished floor of the garage, extend the existing driveway to the new garage, and to improve and widen the existing driveway. Staff notes that the grading plan calls for 750 cubic yards of cut, 450 cubic yards of fill, leaving 300 cubic yards of earth to be removed from the site. Staff has included the standard grading condition, drainage conditions and noise condition to address the proposed grading. Grading haul routes and disposal sites are addressed in the grading permits. Staff sees no issues with the grading proposed.

In conclusion staff is of the opinion that the applicant has done a good job for the garage design in order to construct an over height structure in a setback area having little or no visual impact to the surrounding property owners.

**RECOMMENDED ACTION:**

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA02-0129 for Use Permit and Site Development Permit subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad G. Brown, Chief  
CPSD/Site Planning Section

WVM

Folder: C:\My Documents\Use Permits\Use Permit 2002\PA02-0129 Staff Bryant.doc

**APPENDICES:**

- A. Recommended Findings
- B. Recommended Conditions of Approval

**EXHIBITS:**

1. Applicant's Letter of Explanation
2. Aerial and Site Photos
3. Site Plans

**APPEAL PROCEDURE:**

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$24500 filed at the Development Processing Center, 300 N. Flower Street, Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to the Planning and Development Services Dept.